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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

(1) S.B. CIVIL WRIT PETITION NO. 5568/2006
HAZARI LAL & ANR. Vs. CHHOTU & ORS.

(2) S.B. CIVIL WRIT PETITION NO. 5569/2006
RAM RAJ Vs. CHHOTU & ORS.
&
(3) S.B. CIVIL WRIT PETITION NO. 5570/2006
DHAN RAJ Vs. CHHOTU & ORS.

Date: 13.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Naseem Uddin Qazi for the petitioners.
Ms. Archana Mantri for the respondents.

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Since all these three writ petitions are arising out of the same impugned order dated 13.06.2006 passed by the Court below, therefore, they are being decided by this common order.

Vide impugned order dated 13.06.2006 (Annexure-2), the application under Section 140 of the Motor Vehicle Act for granting interim award has been rejected.

The trial Court while rejecting the application under Section 140 of the Motor Vehicle Act, has not considered sub-clause (3) of Section 140 of the Motor Vehicle Act and without appreciating the

provisions of law and the facts of the case, passed the impugned order.

I do not want to express any view on the merits of the case, but since main claim petition is pending, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 13.06.2006 and remand the matter back to the Court below for hearing the matter afresh and shall pass fresh order in accordance with the provisions of law after appreciating the evidence.

With these observations, all these writ petitions stand allowed.

(K.S. RATHORE),J.

/KKC/